

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE ALEXANDER CONDOMINIUM,

Plaintiff,

25-cv-1507 (PKC)

-against-

ORDER

ADMIRAL INDEMNITY COMPANY,

Defendant.

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CASTEL, U.S.D.J.

The Court has reviewed the Amended Notice of Removal. (ECF 13.) The removing party asserts that The Alexander Condominium is a corporation incorporated in New York with its principal place of business in New York based upon an interrogatory response in which “[p]laintiff states that the Alexander Condominium is incorporated in the State of New York.” (ECF 13-5 at 2.)

There is reason to question the accuracy of the interrogatory response. First, the entity calls itself “The Alexander Condominium” and does not utilize a term such as “Corp.” or “Inc.” Second, the New York Secretary of State maintains a public website listing Domestic Business Corporations and “The Alexander Condominium” is not listed.

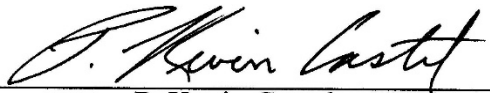
Not all New York condominiums authorized by the New York Secretary of State are corporations. Article 9-B of Chapter 50 of New York Real Property Law provides for the manner of formation of a condominium and includes the requirement of filing with the Secretary of State a Declaration of Condominium. The requirements for the formation of a corporation are

different and are set forth in Article 4 of the New York Business Corporation Law. Simply put, filing a Declaration of Condominium with the Secretary of State does not transform a condominium into a corporation.

New York condominiums that are not corporations take on the citizenship of the unit holders for purposes of assessing whether diversity jurisdiction exists. Thus, the distinction between a New York condominium that is incorporated and one that is not is of key importance in the inquiry. See RL 900 Park, LLC v. Ender, 18-CV-12121 (MKV), 2021 WL 738705, at *7 (S.D.N.Y. Feb. 25, 2021).

Within 14 days, The Alexander Condominium shall file with the Court a copy of its Certificate of Incorporation, together with an affidavit attesting to its authenticity.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
April 14, 2025